



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 2/6/2004, by Michael P. McAuliffe, Angelo Saviano

SYNOPSIS AS INTRODUCED:

225 ILCS 25/9	from Ch. 111, par. 2309
225 ILCS 25/25	from Ch. 111, par. 2325
225 ILCS 25/25.1 new	

Amends the Illinois Dental Practice Act. Makes changes in the requirements for licensure as a dentist if the applicant completed his or her dental education by graduating from a dental college or school outside the United States or Canada. In provisions concerning investigations, removes provisions concerning personal statements. Provides that consent orders shall be subject to approval by the Director (rather than must be approved by the Board and the Director). Adds provisions allowing the Department to subpoena persons and dental, pharmacy, and hospital records of individual patients of dentists and dental hygienists licensed under the Act.

LRB093 17941 AMC 43624 b

1 AN ACT concerning professional regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Dental Practice Act is amended by
5 changing Sections 9 and 25 and by adding Section 25.1 as
6 follows:

7 (225 ILCS 25/9) (from Ch. 111, par. 2309)

8 (Section scheduled to be repealed on January 1, 2006)

9 Sec. 9. Qualifications of Applicants for Dental Licenses.

10 The Department shall require that each applicant for a license
11 to practice dentistry shall:

12 (a) (Blank).

13 (b) Be at least 21 years of age and of good moral
14 character.

15 (c) (1) Present satisfactory evidence of completion of
16 dental education by graduation from a dental college or school
17 in the United States or Canada approved by the Department. The
18 Department shall not approve any dental college or school which
19 does not require at least (A) 60 semester hours of collegiate
20 credit or the equivalent in acceptable subjects from a college
21 or university before admission, and (B) completion of at least
22 4 academic years of instruction or the equivalent in an
23 approved dental college or school before graduation; or

24 (2) Present satisfactory evidence of completion of dental
25 education by graduation from a dental college or school outside
26 the United States or Canada and provide satisfactory evidence
27 that:

28 (A) (blank) ~~the completion of a dental education~~
29 ~~outside the United States or Canada authorized the~~
30 ~~applicant to practice dentistry in the country in which he~~
31 ~~or she completed the dental education;~~

32 (B) the applicant has completed a minimum of 2 academic

1 years of general dental clinical training at a dental
2 college or school in the United States or Canada approved
3 by the Department, except that an applicant who was
4 enrolled for not less than one year in an approved clinical
5 program prior to January 1, 1993 at an Illinois dental
6 college or school shall be required to complete only that
7 program; and

8 (C) the applicant has received certification from the
9 dean of an approved dental college or school in the United
10 States or Canada stating that the applicant has achieved
11 the same level of scientific knowledge and clinical
12 competence as required of all graduates of the college or
13 school.

14 Nothing in this Act shall be construed to prevent either
15 the Department or any dental college or school from
16 establishing higher standards than specified in this Act.

17 (d) In determining professional capacity under this
18 Section, any individual who has not been actively engaged in
19 the practice of dentistry, has not been a dental student, or
20 has not been engaged in a formal program of dental education
21 during the 5 years immediately preceding the filing of an
22 application may be required to complete such additional
23 testing, training, or remedial education as the Board may deem
24 necessary in order to establish the applicant's present
25 capacity to practice dentistry with reasonable judgment,
26 skill, and safety.

27 (e) Pass an examination authorized or given by the
28 Department in the theory and practice of the science of
29 dentistry; provided, that the Department (1) may recognize a
30 certificate granted by the National Board of Dental Examiners
31 in lieu of, or subject to, such examination as may be required
32 and (2) may recognize successful completion of the preclinical
33 and clinical examinations conducted by approved regional
34 testing services in lieu of such examinations as may be
35 required. For purposes of this Section, successful completion
36 shall mean that the applicant has achieved a minimum passing

1 score on the regional examinations as determined by each
2 approved regional testing service.

3 (Source: P.A. 88-45; 88-635, eff. 1-1-95; 89-80, eff. 6-30-95;
4 89-116, eff. 7-7-95; 89-387, eff. 8-20-95; 89-626, eff.
5 8-9-96.)

6 (225 ILCS 25/25) (from Ch. 111, par. 2325)

7 (Section scheduled to be repealed on January 1, 2006)

8 Sec. 25. Notice of hearing; investigations and informal
9 conferences.

10 (a) Upon the motion of either the Department or the Board
11 or upon the verified complaint in writing of any person setting
12 forth facts which if proven would constitute grounds for
13 refusal, suspension or revocation of license under this Act,
14 the Board shall investigate the actions of any person,
15 hereinafter called the respondent, who holds or represents that
16 he or she holds a license. All such motions or complaints shall
17 be brought to the Board.

18 (b) ~~(Blank) Prior to taking an in person statement from a~~
19 ~~dentist or dental hygienist who is the subject of a complaint,~~
20 ~~the investigator shall inform the dentist or the dental~~
21 ~~hygienist in writing:~~

22 ~~(1) that the dentist or dental hygienist is the subject~~
23 ~~of a complaint; and~~

24 ~~(2) that the dentist or dental hygienist need not~~
25 ~~immediately proceed with the interview and may seek~~
26 ~~appropriate consultation prior to consenting to the~~
27 ~~interview.~~

28 ~~A Department investigator's failure to comply with this~~
29 ~~subsection may not be the sole ground for dismissal of any~~
30 ~~order of the Department filed upon a finding of a violation or~~
31 ~~for dismissal of a pending investigation.~~

32 (c) If the Department concludes on the basis of a complaint
33 or its initial investigation that there is a possible violation
34 of the Act, the Department may:

35 (1) schedule a hearing pursuant to this Act; or

1 (2) request in writing that the dentist or dental
2 hygienist being investigated attend an informal conference
3 with representatives of the Department.

4 The request for an informal conference shall contain the
5 nature of the alleged actions or inactions that constitute the
6 possible violations.

7 A dentist or dental hygienist shall be allowed to have
8 legal counsel at the informal conference. If the informal
9 conference results in a consent order between the accused
10 dentist or dental hygienist and the Department, the consent
11 order shall be subject to approval by ~~must be approved by the~~
12 ~~Board and~~ the Director. Participation in the informal
13 conference by a dentist, a dental hygienist, or the Department
14 and any admissions or stipulations made by a dentist, a dental
15 hygienist, or the Department at the informal conference,
16 including any agreements in a consent order that is
17 subsequently disapproved by either the Board or the Director,
18 shall not be used against the dentist, dental hygienist, or
19 Department at any subsequent hearing and shall not become a
20 part of the record of the hearing.

21 (d) The Director shall, before suspending, revoking,
22 placing on probationary status, or taking any other
23 disciplinary action as the Director may deem proper with regard
24 to any license, at least 30 days prior to the date set for the
25 hearing, notify the respondent in writing of any charges made
26 and the time and place for a hearing of the charges before the
27 Board, direct him or her to file his or her written answer
28 thereto to the Board under oath within 20 days after the
29 service on him or her of such notice and inform him or her that
30 if he or she fails to file such answer default will be taken
31 against him or her and his or her license may be suspended,
32 revoked, placed on probationary status, or other disciplinary
33 action may be taken with regard thereto, including limiting the
34 scope, nature or extent of his or her practice, as the Director
35 may deem proper.

36 (e) Such written notice and any notice in such proceedings

1 thereafter may be served by delivery personally to the
2 respondent, or by registered or certified mail to the address
3 last theretofore specified by the respondent in his or her last
4 notification to the Director.

5 (Source: P.A. 91-689, eff. 1-1-01.)

6 (225 ILCS 25/25.1 new)

7 Sec. 25.1. Subpoena powers. The Department has power to
8 subpoena and bring before it any person in this State and to
9 take testimony either orally or by deposition, or both, with
10 the same fees and mileage and in the same manner as is
11 prescribed by law for judicial procedure in civil cases.

12 The Department, in the course of an investigation as to
13 whether or not a violation of one or more of the grounds for
14 discipline listed in Sections 23 or 24 of this Act has occurred
15 or is occurring, may subpoena the dental, pharmacy, and
16 hospital records of individual patients of dentists and dental
17 hygienists licensed under this Act. All dental records and
18 other information received pursuant to subpoena shall be
19 confidential and shall be afforded the same status as is
20 provided information concerning medical studies in Part 21 of
21 Article VIII of the Code of Civil Procedure. The use of such
22 records shall be restricted to members of the Board of
23 Dentistry, the dental coordinators, and appropriate staff of
24 the Department of Professional Regulation designated by the
25 Director for the purpose of determining the existence of one or
26 more grounds for discipline of the dentist or dental hygienist
27 as provided for by Sections 23 or 24 of this Act. Any such
28 review of individual patients' records shall be conducted by
29 the Department in strict confidentiality, provided that such
30 patient records shall be admissible in a disciplinary hearing,
31 before the Director, the Board of Dentistry, or a hearing
32 officer designated by the Department, when necessary to
33 substantiate the grounds for discipline alleged against the
34 dentist or dental hygienist licensed under this Act, and
35 provided further, that nothing herein shall be deemed to

1 supersede the provisions of Part 21 of Article VIII of the Code
2 of Civil Procedure, to the extent applicable.